

Appl. 10/579,168
U.S. National Phase of PCT/GB2004/004788
Statement of Biological Deposit

Attorney Docket No. 36290-0409-00-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of: Karl MULLIGAN *et al.*

Application No: 10/579,168
(International Application No: PCT/GB2004/004788)

Filed: (International Application: 15 November 2004 (15.11.2004))

For: CANCER DIAGNOSIS AND THERAPY

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL DEPOSIT

The following cell line was deposited pursuant to the Budapest Treaty in the European Collection of Cell Cultures (ECACC):

Accession Number
03073001

Deposit Date
July 30, 2003

Attached are the ECAAC deposit receipt and viability statement.

All restrictions imposed on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)	
<p>- I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>	
BY	<u>Jennifer R. Harris</u>
DATE:	<u>12/5/06</u>

Respectfully submitted

KARL MULLIGAN *et al.*

BY 

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Attorney for the Applicants



Health Protection Agency, Porton Down and European Collection of Cell Cultures

This document certifies that
Hybridoma MQ1
Deposit Reference 03073001

has been accepted as a patent deposit, in accordance with
The Budapest Treaty of 1977,
with the European Collection of Cell Cultures on
30 July 2003

ECACC Patent Supervisor

APPENDIX 3

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BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

TO
DR K MULLIGAN
QUEEN'S UNIVERSITY BELFAST
DEPT OF ONCOLOGY
U FLOOR
BELFAST CITY HOSPITAL
BELFAST
BT9 7AB
UK

INTERNATIONAL FORM

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

MQ1

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

03073001

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



A scientific description



A proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above,
which was received by it on 30 July 2003 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International
Depository Authority on (date of the original deposit) and
A request to convert the original deposit to a deposit under the Budapest Treaty
was received by it on (date of receipt of request for conversion)

IV. INTERNATIONAL DEPOSITORY AUTHORITY

Name: ECACC Patent Supervisor
Address: European Collection of Cell cultures
(ECACC)
Centre for Emergency Preparedness
and Response
The Health Protection Agency
Porton Down
Salisbury SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):

Date: 11/11/06

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired

APPENDIX 3

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BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
DR K MULLIGAN
QUEEN'S UNIVERSITY BELFAST
DEPT OF ONCOLOGY
U FLOOR
BELFAST CITY HOSPITAL
BELFAST
BT9 7AB
UK

VIABILITY STATEMENT
Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified on the following page

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY OF STATEMENT
IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: DR K MULLIGAN QUEEN'S UNIVERSITY BELFAST DEPT OF ONCOLOGY U FLOOR</p> <p>Address: BELFAST CITY HOSPITAL BELFAST BT9 7AB UK</p>	<p>Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: 03073001</p> <p>Date of the deposit or of the transfer: 30 July 2003</p>
II. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 30 July 2003¹. On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> ³ viable</p> <p><input type="checkbox"/> ³ no longer viable</p>	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most relevant date (date of the new deposit or date of the transfer).
- 2 In the cases referred to in Rule 10.2 (a) (ii) and (iii), refer to the most recent viability test.
- 3 Mark with a cross the applicable box.

Form BP/4 (first page)

Appendix 3

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IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED		
THE PATENT DEPOSIT MQ1 - ACCESSION NUMBER 03073001 WAS TESTED FOR VIABILITY USING THE TRYPAN BLUE DYE EXCLUSION METHOD AND A HAEMOCYTOMETER. THE CELLS WERE 84% VIABLE AT RESUSCIATION. THEY WERE SEEDED AT 5.1×10^5 CELLS/ML AND WERE SHOWING GOOD GROWTH AFTER 24 HOURS WITH PLENTY OF ROUND REFRACTILE CELLS.		
II. INTERNATIONAL DEPOSITARY AUTHORITY		
Name:	ECACC Patent Supervisor	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: <u>ESR</u> <u>11/12/06</u>
Address:	European Collection of Cell cultures (ECACC)	
	Centre for Emergency Preparedness and Response	
	The Health Protection Agency	
	Porton Down	
	Salisbury SP4 0JG	

4 Fill in if the information has been requested and if the results of the test were negative.

Form BP/9 (second and last page)